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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,193	07/16/2001	Frank Burkert	1454.1076	3054

21171 7590 03/08/2005

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EXAMINER

BHANDARI, PUNEET

ART UNIT PAPER NUMBER

2666

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/905,193

Applicant(s)

BURKERT ET AL.

Examiner

Puneet Bhandari

Art Unit

2666

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/16/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/02/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Levine et al (US 6,000,053).

Regarding claim 1, a method for protecting against packet losses in packet oriented data transmission is anticipated by "*present invention provides error recovery for variable length data packets*" as disclosed in column 5, lines 42-46

Storing n data packets in a memory together with end-of-packet information is anticipated by "*plurality of data packets 310,320,330....360....380*" disclosed in Fig. 3A or column 3, lines 65-67.

Transmitting data packets from a transmitter to a receiver with an item of end of packet information (*additional packet field*) in each data packet is anticipated by "*transmitting computer transmit data packet 310,320,330....360....380*" disclosed in column 4, lines 40-45.

Converting at the transmitter is anticipated by "*transmitting computer*" disclosed in column 4, lines 10-37, after said transmitting of the data packets, redundant packets into n-equal sized redundant packets is anticipated by "*parity packet*" disclosed in column 4, lines 22-25, each having a length equal to longest one of data packets is anticipated by "*parity packet includes a parity portion which is equal to the length of*

*longest data packet*" disclosed in column 4, lines 30-37, by filling with a known padding data is anticipated by *"padded portions"* disclosed in column 4, lines 22-25.

Transmitting the equal-sized redundant packet is anticipated by *"transmitting the parity packet to the target computer system"* disclosed in column 4, lines 44-46.

Obtaining reproduced data packet from the data packets and the end-of packet information received from the transmitter by the receiver, if no packet has been lost during transmission is anticipated by *"receiving a plurality of data packets having different lengths"* disclosed in block 510 in fig.5.

Converting, if at least one packet is lost during the transmission and this error is correctable is anticipated by *"data packet is lost somewhere in network"* disclosed in column 4, lines 63-67 column 5 lines 1-2, all the received data packets into equal-sized reconstructed data packet by filling with known padding data is anticipated by *"padding all the received data packets"* disclosed in column 5, line 16-18.

Fig. 5 anticipates *"Obtaining at the receiver"*, if at least one lost packet is not received and this error is correctable, the reproduced data packet from equal-sized reconstructed data packets, the end-of-packet information and at least one equal sized redundant packet received from the transmitter to replace the at least one lost packet is anticipated by *"reconstructing the lost/corrupted data packet by padding the data packet and computing the lost/corrupted data packet"* disclosed in step 540, in fig.5.

Regarding claim 2, the method as claimed in claim 1, wherein the end-of packet information is provided by stating packet length in packet header is anticipated by *"packet includes additional information"* as disclosed in column 4, lines 40-43.

Regarding claim 3, the method as claimed in claim 1, wherein the end-of packet information is provided by flag byte at the end of each data packet *"packet includes additional information"* as disclosed in column 4, lines 40-43.

Regarding claim 4, the method of claim 3, wherein, if no data packet was lost, the reproduced data packet are obtained by removing the flag byte is anticipated by *"determining a lost or corrupted data packet of the data packet"* as disclosed in step 530 of fig.5

wherein if at least one packet was lost and this error can be corrected, the reproduced data packet are obtained from the equal-sized reconstructed data packets and the at least one equal sized redundant packet by removing the flag byte and any subsequent padding data is anticipated by *"reconstructing the lost/corrupted data packet by padding the data packet and computing the lost/corrupted data packet"* disclosed in step 540, in fig.5.

Regarding claim 5, an apparatus for protecting against packet losses in packet-oriented data transmission is anticipated by *"present invention provides error recovery for variable length data packets"* as disclosed in column 5, lines 42-46, comprising:

A transmitter to form and transmit data packets with end-of-packet information is anticipated by *"transmitting computer transmit data packet 310,320,330....360....380"* disclosed in column 4, lines 40-45; prior to generating redundant packets is anticipated by *"parity packet"* disclosed in column 4, lines 22-25

A receiver to receive the data packet from the said transmitter, remove the end of packet information and only if data packet was lost during transmission and this error


Art Unit: 2666

can be reconstructed anticipated by *"reconstructing the lost/corrupted data packet by padding the data packet and computing the lost/corrupted data packet"* disclosed in step 540, in fig.5, expand the data packet with the aid of padding information to form equally long data packets before the end-of-packet information is removed is anticipated by *"padding all the received data packets up the size of longest data packet"* disclosed in column 5, line 16-18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Puneet Bhandari whose telephone number is 571-272-2057. The examiner can normally be reached on 9.00 AM To 5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Puneet Bhandari  
Examiner  
Art Unit 2666

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